16152 U.S.PTO
021904

22387 U.S.PTO
10/782344
021904

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of:	Jack S. Pedlick et al.
Serial No.:	09/923,996
Filing Date:	08/07/2001
Title:	WEDGE SHAPED SUTURE ANCHOR AND METHOD OF IMPLANTATION
Group Art Unit:	3731
Examiner:	Gary Jackson
Attorney's Docket No.:	MIT-81 CON 2

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

"EXPRESS MAIL" MAILING LABEL NUMBER ER304318384US

DATE OF DEPOSIT February 19, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

James A. Sheridan
(PERSON MAILING)

James A. Sheridan 2/19/04
(SIGNATURE)

Respectfully submitted,

James A. Sheridan 2/19/04

James A. Sheridan
Registration No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154
Tel. (781) 290-0060

DP/MIT81CON3.FIL

Case Docket No.: MIT-81 CON 3

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Jack Pedlick et al.
For: WEDGE SHAPED SUTURE ANCHOR AND METHOD OF IMPLANTATION

Enclosed are:
☒ 40 sheets of drawings. (copy of orig.)
☒ An assignment of the invention to: Mitek Surgical Products, Inc. (copy of original)
☐ A verified statement to establish small entity status.
☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

The filing fee has been calculated as shown below:

			Small Entity		Large Entity	
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee				$0		$770.00
Total Claims	28 - 20	8	x $ 9.00	0	x $18.00	144.00
Ind. Claims	13 - 3	10	x $40.00	0	x $ 86.00	860.00
Mult. Claims			+ $130.00		+ $290.00	
			Total $0		Total $1774.00	

☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.

☒ A check in the amount of $1774.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to **Deposit Account No. 16-0221**. A duplicate copy of this sheet is enclosed.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- ☒ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

James A. Sheridan 2/19/04

James A. Sheridan
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02451-1914
Tel. (781) 290-0060
Fax (781) 290-4840

DP/MIT81CON3.FEE

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Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/923,996, filed 08/07/2001 by Jack S. Pedlick, Thu Anh Le, John DiGiovanni, Dennis D. Jamiolkowski, and Mark J. Suseck for WEDGE SHAPED SUTURE ANCHOR AND METHOD OF IMPLANTATION (Attorney's Docket No. MIT-81 CON 2), which in turn is a continuation of U.S. Patent Application Serial No. 09/412,903, filed 10/05/99 by Jack S. Pedlick, Thu Anh Le, John DiGiovanni, Dennis D. Jamiolkowski, and Mark J. Suseck for WEDGE SHAPED SUTURE ANCHOR AND METHOD OF IMPLANTATION (Attorney's Docket No. MIT-81 CON), which is in turn a continuation application of prior application Serial No. 08/630,389, filed 04/10/96 by Jack S. Pedlick, Thu Anh Le, John DiGiovanni, Dennis D. Jamiolkowski, and Mark J. Suseck for WEDGE SHAPED SUTURE ANCHOR AND METHOD OF IMPLANTATION(Attorney's Docket No. MIT-81).

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 08/630,389 (including specification, claims, drawings, an unsigned Declaration and Power of Attorney) as originally filed;

2. A copy of a MISSING PARTS RESPONSE, including a signed Declaration and Power of Attorney, an Assignment, an Extension Petition, a Request for Recordation, a Recordation Form Cover Sheet, and a Duplicate Copy of Notice to File Missing Parts;

3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said prior application Serial No. 08/630,389 is a complete and true copy;

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/923,996; and

5. A check in the amount of $1774.00 covering the filing fee calculated on the basis of the claims filed and the claims cancelled by the enclosed Preliminary Amendment. The fee has been calculated on the basis of a Large Entity status as follows:

TOTAL CLAIMS	28 - 20 = 8 x 18 =	$ 144.00
INDEPENDENT	13 - 3 = 10 x 86 =	$ 860.00
BASIC FEE		$ 770.00
TOTAL FILING FEE:		$1,774.00

6. A SUBMISSION OF FORMAL DRAWINGS; and

7. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on February 19, 2004 as provided for under 37 CFR 1.10.

The Power of Attorney in the prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02154-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior application Serial No. 09/923,996.

The Commissioner of Patent and Trademarks is hereby authorized to charge any additional fees (filing or application processing fees under 37 CFR 1.16 or 37 CFR 1.17) which may be required in connection with this continuation application, or credit any overpayment, to Deposit Account No. 16-0221.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

James A. Sheridan 2/19/04

James A. Sheridan
Registration No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel (781) 290-0060
Fax (781) 290-4840

DP/MIT81CON3.REQ

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Attorney's Docket No.:	MIT-81 CON 2

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts)
County of Middlesex)

I, James A. Sheridan, being duly registered to practice before the U.S. Patent and Trademark Office, depose and state, under penalty of perjury, that: I am attorney of record in the above-identified pending prior application Serial No. 09/923,996 filed 08/07/2001, and that the enclosed application is a true and complete copy of the prior application Serial No. 08/630,389 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 08/630,389 introduced new matter therein.

James A. Sheridan 2/19/04
James A. Sheridan
Registration No. 43,114

Sworn to before me this 19th day of February, 2004

Notary Public
My commission expires: 4-17-09

DP/MIT81CON3.AFF

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